

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 14, 2004**

UNAPPROVED
July 27, 2004

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:26 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Byers announced that on Monday, July 26, 2004, from 7 to 9 p.m., the Fairfax County Pedestrian Task Force will host an open house to obtain community input on pedestrian mobility, safety, and education issues currently under review. The open house will be held in Conference Rooms 4 and 5 in the Government Center, 12000 Government Center Parkway, Fairfax.

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Commissioner de la Fe MOVED THAT THE PUBLIC HEARING ON CSP B-846, JBG/ROCKWOOD GATEWAY LAND, LLC, BE FURTHER DEFERRED TO A DATE CERTAIN OF OCTOBER 14, 2004.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Murphy absent from the meeting.

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04-III-6BR, 04-III-11BR, and 04-III-12BR – AREA PLANS REVIEW

Commissioner Koch MOVED THAT THE PLANNING COMMISSION DEFER INDEFINITELY THE FOLLOWING 2004 APR NOMINATIONS: APR 04-III-6BR, NOMINATED BY SHERI HOY; APR 04-III-11BR, NOMINATED BY LARRY BALDWIN; AND APR 04-III-12BR, NOMINATED BY TED TROSCIANECKI.

Commissioners Hart, Lawrence, and Hall seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISIONS ON PCA 84-L-020-22, PCA 84-L-020-21, AND FDPA 84-L-020-02-12, WAL-MART REAL ESTATE BUSINESS TRUST, TO A DATE CERTAIN OF JULY 29, 2004.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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Commissioner Lawrence MOVED TO FURTHER DEFER THE DECISION ONLY ON PCA/FDPA 80-P-039-08, BEAZER HOMES CORPORATION, TO A DATE CERTAIN OF JULY 29, 2004.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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The next case was in the Mount Vernon District; therefore, Vice Chairman Byers relinquished the Chair to Secretary Harsel.

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RZ 2003-MV-045 – NATIONAL CAPITAL LAND AND DEVELOPMENT INC.
FDP 2003-MV-045 – NATIONAL CAPTIAL LAND AND DEVELOPMENT INC.

(Decision Only) (The public hearing on this application was held on June 16, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THAT THE BOARD OF SUPERVISORS APPROVE RZ 2003-MV-045 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED JULY 7, 2004.

Commissioners Hall and Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2003-MV-045, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JUNE 30, 2004, AND SUBJECT TO THE BOARD'S APPROVAL OF RZ-2003-MV-045 AND THE CDP.

Commissioners Lawrence and Hall seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG RICHMOND HIGHWAY.

Commissioners Hall, Wilson, and Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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At the conclusion of this case, Vice Chairman Byers resumed the Chair.

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Commissioner Lusk MOVED THAT THE PUBLIC HEARING ON RZ 2003-LE-011, PCA 96-L-005-3, AND SEA 96-L-034-3, FOUNDATION FOR APPLIED TECHNICAL EDUCATION, BE DEFERRED TO A DATE CERTAIN OF SEPTEMBER 30, 2004.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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METRO PARK BUILDING ELEVATION DESIGNS - RZ/FDP 1998-LE-048

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE ARCHITECTURAL ELEVATIONS ASSOCIATED WITH PROFFER NUMBER 13 FOR THE METRO PARK DEVELOPMENT ARE IN CONFORMANCE WITH WHAT IS CONSTRUCTED AND EXISTING ON THE GROUND TODAY.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON RZ AND FDP 2003-MV-034, NATIONAL CAPITAL LAND AND DEVELOPMENT INCORPORATED, TO A DATE CERTAIN OF JULY 21, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Hall, Wilson, and Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

SEPTEMBER 11, 2002
SEPTEMBER 12, 2002
SEPTEMBER 18, 2002

SEPTEMBER 19, 2002
SEPTEMBER 25, 2002
SEPTEMBER 26, 2002

Commissioner de la Fe seconded the motion which carried by a vote of 7-0-4 with Commissioners Hart, Hopkins, Lawrence, and Lusk abstaining; Commissioner Murphy absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-L04-5 - T-MOBILE USA
2. 2232-V04-8 - OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC (T-MOBILE USA, INC.)
3. AR 95-S-001 – JOHN T. KINCHELOE
4. SE 2004-LE-006 – WACHOVIA CORPORATION, NATIONAL ASSOCIATION
5. RZ/FDP 2003-MV-033 – LORTON ARTS FOUNDATION, INC.

This order was accepted without objection.

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2232-L04-5 - T-MOBILE USA - Appl. under provisions of *Code of Virginia* Sects. 15.2-2204 and 15.2-2232, as amended, to construct a telecommunications facility at the Virginia Hills Administrative Center, located at 6520 Diana La. near Rose Hill. The proposed facility will include an 85-ft. tall monopole with panel antennas, and a fenced area for equipment cabinets. Tax Map 92-2 ((1)) 2A. LEE DISTRICT.
PUBLIC HEARING.

Commissioner Alcorn disclosed that he leased office space from one of the parties in this case and would, therefore, recuse himself from this public hearing.

David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He recommended that the Planning Commission find the proposal to be substantially in accord with provisions of the adopted Comprehensive Plan.

Terry Cooke, Esquire, of Cole, Raywid & Baverman, said approval of the application would improve existing in-vehicle coverage along Telegraph Road and South Kings Highway. He added that it would also bring in-building coverage along Telegraph Road, Kings Highway, and neighboring communities. He presented slides indicating the anticipated coverage sites and photos of balloon tests conducted at the proposed site. Mr. Cooke identified alternative sites and explained why they were not suitable. He stated that the applicant had been before the Lee District Planning and Land Use Committee twice, and had worked closely with the Virginia Hills Citizens Association. He noted that the Fairfax County Department of Information Technology had reviewed the application and found that radio frequency (RF) emissions from the facility would be less than one percent of the exposure standard permitted under the Federal Communications Commission guidelines. He explained that a number of design changes had been made at the suggestion of members of the community.

Mr. Cooke responded to a question from Commissioner Lawrence about RF exposure.

Vice Chairman Byers called the first listed speaker and recited the rules for public testimony.

Doug Boulter, President of the Virginia Hills Citizens Association, expressed support for the application noting that the applicant had agreed to modifications in response to the community's concerns. (A copy of his remarks is in the date file.)

There were no further speakers. Vice Chairman Byers noted that there was no need for rebuttal.

The Commission had no comments or questions and staff had no closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR 2232-L04-5, T-MOBILE USA, TO A DATE CERTAIN OF SEPTEMBER 30, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

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The next case was in the Mount Vernon District; therefore Vice Chairman Byers relinquished the Chair to Secretary Harsel.

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2232-V04-8 - OMNIPOINT COMMUNICATIONS CAP OPERATIONS,
LLC (T-MOBILE USA, INC.) - Appl. under provisions of Sects.
15.2-2204 and 15.2-2232 of the *Code of Virginia*, as amended, to
construct a telecommunications facility at Bryant Alternative High
School, located at 2709 Popkins Lane, Alexandria. The proposed facility
will include panel antennas mounted on a 93.75-foot tall monopole that
will replace an existing 75-foot tall baseball field light pole, a fenced area,
and related equipment. Tax Map 93-3 ((1)) 3. MOUNT VERNON
DISTRICT. PUBLIC HEARING.

Commissioner Alcorn disclosed that he leased office space from one of the parties in this case and would, therefore, recuse himself from this public hearing.

David Marshall, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He recommended that the Planning Commission find the proposal to be substantially in accord with provisions of the adopted Comprehensive Plan.

Terry Cooke, Esquire, of Cole, Raywid & Baverman, explained that the antennas would be flush-mounted and the pole would be painted brown to blend in with the trees. He noted that the pole would be located in a stand of trees on the school property which would lessen its visibility from the ground. Mr. Cooke indicated that the pole would provide in-building coverage along an approximately 1.8 mile stretch of Richmond Highway. He identified alternative sites and explained why they were not suitable. He added that a number of community associations had been advised of the proposed plan and that the Mount Vernon District Planning and Land Use Committee had voted to not oppose the application.

Secretary Harsel called the first listed speaker.

Pat Kirylo, 2605 Popkins Lane, Alexandria, expressed opposition to the application citing the possibility of detrimental health effects. (A copy of her remarks is in the date file.)

Sam Miller, 2400 Popkins Lane, spoke in favor of the application because better cell phone coverage was needed in the area.

David Carlson, President of the Popkins Farm Homeowners Association, said that neither he nor his association had been contacted by the applicant. He said although he had no special concerns about the proposal, he requested that the applicant meet with his association.

There were no further speakers; therefore Secretary Harsel called for a rebuttal statement from Mr. Cooke.

Mr. Cooke explained that the application had been reviewed by Fairfax County's Department of Information Technology and was satisfied that the applicant was operating well within the Federal Communications Commission requirements. He said that a provision in the Federal Communications Act stated that the consideration of health effects could not be the sole reason for denying an application. He added that the applicant would meet with the Popkins Farm Homeowners Association.

The Commission had no comments or questions and staff had no closing remarks; therefore Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION FIND THAT 2232-V04-8, OMNIPOINT COMMUNICATIONS, IS IN SUBSTANTIAL ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Hall and Hopkins seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

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At the conclusion of this case, Vice Chairman Byers resumed the Chair.

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AR 95-S-001 - JOHN T. KINCHELOE - Appl. authorized by Chapter 115 (County Code), effective June 30, 1983. Renewal of AF 95-S-001 previously approved for Forestal District. Located at the S. terminus of My Way, approximately 1,400 ft. S.W. of the Wyckland Dr. and Kincheloe Rd. intersection on approx. 24.88 ac. of land zoned R-C and WS. A&F District Advisory Committee Rec.: Approve.
SPRINGFIELD DISTRICT. PUBLIC HEARING.

John T. Kincheloe, applicant, reaffirmed the affidavit dated January 23, 2004. There were no disclosures by Commission members.

Commissioner Alcorn asked that Vice Chairman Byers ascertain whether there were any speakers in opposition to this application. There being none, he asked that presentations by staff

and the applicant be waived and the public hearing closed. No objections were expressed; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Alcorn for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF AR-95-S-001, THE KINCHELOE LOCAL AGRICULTURAL AND FORESTAL DISTRICT RENEWAL.

Commissioners de la Fe and Hart seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Murphy absent from the meeting.

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SE 2004-LE-006 - WACHOVIA CORPORATION, NATIONAL ASSOCIATION - Appl. under Sects. 4-804 and 9-622 of the Zoning Ordinance to permit site modifications to a drive-in bank to include, waivers, increases and uses in a Commercial Revitalization District, (CRD). Located at 6300 Richmond Hwy. on approx 43,063 sq. ft. of land zoned C-8, CRD and HC. Tax Map 83-3 ((5)) (1) 1. LEE DISTRICT. PUBLIC HEARING.

Charles Wakefield, Vice President of Wachovia Bank, reaffirmed the affidavit dated January 15, 2004. Commissioner Hart disclosed that his law firm had represented Wachovia Bank in two matters in the last year and although he did not have an ongoing relationship at this time, he would recuse himself from this matter.

Cathy Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Wakefield justified the need to increase the number of the drive-through windows.

In response to a question from Commissioner Lusk, Mr. Wakefield explained why the Beacon Hill location could not be expanded.

Vice Chairman Byers called for speakers from the audience and there being none, noted there was no need for a rebuttal.

The Commission had no comments or questions and staff had no closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-LE-006, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JULY 12, 2004.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE MINIMUM FRONT YARD SETBACK REQUIREMENT IN THE CRD TO PERMIT THE EXISTING BUILDING TO REMAIN 19.4 FEET FROM THE PROPERTY LINE ALONG SOUTH KINGS HIGHWAY AS SHOWN ON THE SE PLAT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE RICHMOND HIGHWAY AND THE SOUTH KINGS HIGHWAY STREETSCAPE REQUIREMENTS SET FORTH IN THE COMPREHENSIVE PLAN TO THAT SHOWN ON THE SE PLAT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHWESTERN PROPERTY LINE, SOUTH KINGS HIGHWAY FRONTAGE, IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioner Murphy absent from the meeting.

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The next case was in the Mount Vernon District; therefore Vice Chariman Byers relinquished the Chair to Secretary Harsel.

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RZ 2003-MV-033/FDP 2003-MV-033 - LORTON ARTS FOUNDATION, INC. - Appls. to rezone from R-C to PDC to permit mixed use development on a portion of the former District of Columbia Department of Corrections Facility known as the Occoquan Workhouse, as an Art Center consisting of theaters, cultural center, museums and similar facilities; eating establishments; commercial recreation (Events Center) and multi-family dwellings for resident artists, performers, etc., at a Floor Area Ratio (FAR) of 0.08 and approval of the conceptual and final development plans. Located on the E. side of Ox Rd. S. of its intersection with Lorton Rd. on approx. 56.04 ac. of land. As part of this public hearing, the Board of Supervisors will consider the adaptive reuse of the historic structures and the demolition of up to five historic structures within the application property. Comp. Plan Rec: Adaptive Reuse of Workhouse. Tax Map 106-4 ((1)) 54 pt. (Also known as "Subparcel G.")
MOUNT VERNON DISTRICT. PUBLIC HEARING.

Gregory Riegle, Esquire, McGuire Woods, reaffirmed the affidavit dated June 23, 2004. Commissioner Hart disclosed that his law firm had a pending case with Mr. Riegle's law firm, but it would not affect his ability to participate in this case.

Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In a response to a question by Commissioner Wilson, Mr. Braham explained why the eating establishments had not been included in the first phase of the plan.

Mr. Riegle showed a video presentation of the historic buildings to be preserved and renovated and said that the proposed art center was a historic preservation and adaptive reuse success story. He briefly reviewed the history of the property and conveyed that the vision for the future had been established through the efforts of the Laurel Hill Readaptive Task Force and other community organizations. He pointed out that the objective of the application was to celebrate the history of the buildings and to make them accessible to as many people as possible through the diversity of programs and opportunities it would offer, creating a world class facility that could be benchmarked against any similar adaptive reuse property locally or nationally.

Neal McBride, representing the South Run Coalition, noted that the coalition was in favor of this application. He explained how the Workhouse Arts Center would improve the community, economics, and reputation of the Lorton area. (A copy of his remarks is in the date file.)

Mr. Braham responded to a question from Commissioner Wilson about the demolition of contributory structures.

Secretary Harsel called for speakers from the audience, but received no response. She then recognized those in the audience who supported this application.

Secretary Harsel called for a rebuttal statement from Mr. Riegle, who declined.

Commissioner Byers noted that a change to the proffer on the phasing of the new construction had been distributed that night, which he would incorporate into his motions if there were no objections by Commission members. No objections were expressed.

The Commission had no further comments or questions and staff had no closing remarks; therefore Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ 2003-MV-033, SUBJECT TO EXECUTION OF THE DRAFT PROFFERS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT, WITH PARAGRAPH 2A AMENDED AS DISCUSSED TONIGHT, AND THAT THE BOARD OF SUPERVISORS APPROVE THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioners Wilson, Lusk, Lawrence, and Hopkins seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE THE FINAL DEVELOPMENT PLAN, SUBJECT TO PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2003-MV-033.

Commissioners Hopkins, Wilson, Lusk, and Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE TRANSITIONAL SCREENING YARD REQUIREMENT BE MODIFIED ALONG THE NORTHERN BOUNDARY AND THE BARRIER REQUIREMENT BE MODIFIED ALONG THE NORTHERN BOUNDARY IN BETWEEN THE ARTIST RESIDENCES AND THE WORKHOUSE, IN FAVOR OF THAT SHOWN ON THE COMBINED CONCEPTUAL AND FINAL DEVELOPMENT PLAN AS REFERENCED IN THE PROFFERS.

Commissioners Hopkins, Wilson, Lusk, and Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Harsel MOVED THAT JAMES ZOOK, DIRECTOR OF PLANNING AND ZONING, CONVEY TO THE BOARD OF SUPERVISORS THAT THE PLANNING COMMISSION STRONGLY RECOMMENDS THAT THE FOUNDRY AND CHIMNEY BE PRESERVED.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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Vice Chairman Byers resumed the Chair and adjourned the meeting.

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The meeting was adjourned at 10:44 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Kara A. DeArrastia

Approved on:

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission